

## **PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE**

**DATE:** May 19, 2004

**CALLED TO ORDER:** 5:00 p.m.

**ADJOURNED:** 7:31 p.m.

### **ATTENDANCE**

#### ATTENDING MEMBERS

Mary Moriarty Adams, Chairwoman  
Sherron Franklin  
Lynn McWhirter  
William Oliver  
Lincoln Plowman  
Steve Talley

#### ABSENT MEMBERS

Scott Schneider

### **AGENDA**

PROPOSAL NO. 120, 2004 - appoints Tom Benjamin to the Marion County Public Defender Board

"Tabled"

Vote: 5-0

PROPOSAL NO. 266, 2004 - approves an increase of \$161,000 in the 2004 Budget of the Department of Public Safety (State Law Enforcement Fund) to pay for salaries and benefits of the Marion County Prosecutor Forfeiture Unit as part of a Memorandum of Understanding (MOU) between the Indianapolis Police Department, Marion County Sheriff Department and the Marion County Prosecutor's Office

"Do Pass"

Vote: 6-0

PROPOSAL NO. 267, 2004 - approves an increase of \$399,580 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds), to upgrade the mugshot system, purchase equipment for the bomb squad, pay for police officer overtime, and to provide use of force alternatives training, financed by federal grants and a transfer between characters

"Do Pass"

Vote: 6-0

PROPOSAL NO. 268, 2004 - approves a transfer and an increase of \$54,421 in the 2004 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to pay for expenses incurred by the Urban Search and Rescue Task Force while on deployment to assist in the aftermath of Hurricane Isabel, cover administrative costs incurred by the NASA deployment of the Urban Search and Rescue Task Force, and to cover anticipated expenditures for the team throughout this year, financed by a transfer between characters and a federal grant

"Do Pass"

Vote: 6-0

PROPOSAL NO. 269, 2004 - approves a transfer of \$162,833 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund), ~~to perform electrical repairs~~ needed for equipment purchased as part of the Homeland Security Grant Program  
"Do Pass As Amended "

Vote: 6-0

PROPOSAL NO. 270, 2004 - approves an increase of \$331,688 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to appropriate Edward Byrne Grant and Block Grants 7 and 8 for the Drug Treatment Diversion Program, funded by grants from the Indiana Criminal Justice Institute  
"Do Pass"

Vote: 6-0

PROPOSAL NO. 271, 2004 - approves an increase of \$129,274 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Indiana Criminal Justice Institute grant to Community Court  
"Do Pass"

Vote: 6-0

PROPOSAL NO. 272, 2004 - approves an increase of \$6,800 in the 2004 Budget of the Marion County Superior Court (Drug Treatment Diversion Program Fund) to cover Character 03 expenses  
"Do Pass"

Vote: 6-0

**2004 BUDGET REVIEW**  
Department of Public Safety  
Forensic Services  
Juvenile Court

## **PUBLIC SAFETY AND CRIMINAL JUSTICE COMMITTEE**

The Public Safety and Criminal Justice Committee of the City-County Council met on Wednesday, May 19, 2004. Chairwoman Mary Moriarty Adams called the meeting to order at 5:00 p.m. with the following members present: Lynn McWhirter, William Oliver, Lincoln Plowman, and Steve Talley. Sherron Franklin arrived shortly thereafter. Scott Schneider was absent. Councillor Jackie Nytes was also in attendance.

PROPOSAL NO. 120, 2004 - appoints Tom Benjamin to the Marion County Public Defender Board

Chairwoman Moriarty Adams stated that Mr. Benjamin is no longer able to serve, and she entertained a motion to "Table" the proposal.

Councillor Talley moved, seconded by Councillor McWhirter, to "Table" Proposal No. 120, 2004. The motion carried by a vote of 5-0.

[Clerk's Note: Councillor Franklin arrived at 5:01 p.m.]

PROPOSAL NO. 266, 2004 - approves an increase of \$161,000 in the 2004 Budget of the Department of Public Safety (State Law Enforcement Fund) to pay for salaries and benefits of the Marion County Prosecutor Forfeiture Unit as part of a Memorandum of Understanding (MOU) between the Indianapolis Police Department, Marion County Sheriff Department and the Marion County Prosecutor's Office

Todd Tande, financial officer for the Department of Public Safety (DPS), said that this appropriation is to pay the Prosecutor, the Crime Lab, and the Justice Agency. Captain Brian Nanavaty, financial officer for the Indianapolis Police Department (IPD), said that this appropriation is to fulfill an old memorandum of understanding (MOU) with the Prosecutor's Forfeiture Unit to recover civil awards, and the Crime Lab and Justice Agency for services rendered. He said DPS used to debit the Law Enforcement Fund on a bi-weekly basis to address these charges, and when key personnel changed, it was no longer being done. When they discovered that the agencies were not being compensated, this proposal was written to catch up on back charges due. Mr. Tande added that this appropriation is funded by forfeiture dollars and does not include any tax funds.

Councillor Plowman asked if this is something the department has to ask for every year. Captain Nanavaty said that it is not. He said that it is being budgeted for 2005 to avoid having to come for an additional appropriation. The appropriation has not been budgeted correctly in the past, and they will address that with the 2005 budget.

Councillor Oliver moved, seconded by Councillor Talley, to send Proposal No. 266, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 267, 2004 - approves an increase of \$399,580 in the 2004 Budget of the Department of Public Safety, Police Division (Federal Grants and Non-Lapsing Federal Grants Funds), to upgrade the mugshot system, purchase equipment for the bomb squad, pay for police officer overtime, and to provide use of force alternatives training, financed by federal grants and a transfer between characters

Mr. Tande said that these are grants and again are not tax funds. Liz Allison, Grant Management Section, IPD, provided a handout (Exhibit A) and detailed the reasons for this appropriation as outlined in the handout.

Councillor Oliver asked what the training for alternatives to using force would be. Ms. Allison said that this is a program called "verbal judo." She said that this is mandated by the State.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 267, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 268, 2004 - approves a transfer and an increase of \$54,421 in the 2004 Budget of the Department of Public Safety, Fire Division (Federal Grants and Non-Lapsing Federal Grants Funds), to pay for expenses incurred by the Urban Search and Rescue Task Force while on deployment to assist in the aftermath of Hurricane Isabel, cover administrative costs incurred by the NASA deployment of the Urban Search and Rescue Task Force, and to cover anticipated expenditures for the team throughout this year, financed by a transfer between characters and a federal grant

Mr. Tande said that this request also involves only grant funds and no tax dollars. He said the proposal is primarily administrative to align the dollars up in the right areas. He said that \$38,100 is a new appropriation related to Hurricane Isabel deployment expenses. They want to restore 2004 budget borrowing for the Task Force for contingency deployment, which is a \$100,000 appropriation to cover needs that cannot be covered in the normal Council approval schedule because of an emergency situation needing funds immediately. A new appropriation of \$1,226 is needed to restore money for the Task Force Director's salary and benefits. They are trying to clean up grants and perform final close-outs, and these transactions help to do that. He added that the transfer of \$15,000 from Character 04 to Character 03 is to better reflect spending from the proper characters.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 268, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

PROPOSAL NO. 269, 2004 - approves a transfer of \$162,833 in the 2004 Budget of the Department of Public Safety, Emergency Management and Planning Division (Federal Grants Fund), to perform electrical repairs needed for equipment purchased as part of the Homeland Security Grant Program

Mr. Tande said that an amendment first needs to be made because this proposal has nothing to do with performing electrical repairs. He said that this is a simple transfer for items not yet purchased to align them up in the right character. As a result of the Homeland Security grants approved by the Council, the items need to be re-aligned and related to particular commodity codes now that plans have been finalized.

Councillor Talley moved, seconded by Councillor McWhirter, to "Amend" Proposal No. 269, 2004 to remove all references of "to perform electrical repairs." The motion carried by a vote of 6-0.

Steve Robertson, Director of Emergency Management for DPS, said that this appropriation was approved previously, and this proposal simply corrects what character the funds come out of.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal No. 269, 2004 to the full Council with a "Do Pass As Amended" recommendation. The motion carried by a vote of 6-0.

Sue Patterson, director of finance, Marion Superior Court, stated that Proposal Nos. 270 and 272, 2004 both relate to the Drug Treatment Diversion Program, and asked if they could be presented together. Chairwoman Moriarty Adams asked for consent to vote on Proposal Nos. 270 and 272, 2004 together. Consent was given.

PROPOSAL NO. 270, 2004 - approves an increase of \$331,688 in the 2004 Budget of Marion County Superior Court (State and Federal Grants Fund) to appropriate Edward Byrne Grant and Block Grants 7 and 8 for the Drug Treatment Diversion Program, funded by grants from the Indiana Criminal Justice Institute

PROPOSAL NO. 272, 2004 - approves an increase of \$6,800 in the 2004 Budget of the Marion County Superior Court (Drug Treatment Diversion Program Fund) to cover Character 03 expenses

Ms. Patterson presented a brief breakdown of Proposal No. 270, 2004 (Exhibit B) which details what portion of the increase is attributed to Block Grant 7, Block Grant 8, or the Indiana Criminal Justice Institute grant. Judge David Shaheed, project manager for the Drug Treatment Program, stated that the diversion program allows that individuals who

participate for a minimum period of 12 months and a maximum of 18 months, can have their charges dismissed. This is a joint effort of the Prosecutor's Office, Public Defender Agency, and the Courts, and addresses individuals who are in court because they suffer from substance abuse. They have recently expanded the program to address individuals returning to Marion County from the Department of Correction (DOC) with a re-entry court. Approximately 1,000 people come back to the County from DOC every year, and about half of those people go through community transition, of which approximately 125 will be monitored through the court. They will address concerns such as job placement and substance abuse, which will allow the court to intervene more proactively and keep the public safe.

Councillor Talley moved, seconded by Councillor McWhirter, to send Proposal Nos. 270 and 272, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

**PROPOSAL NO. 271, 2004** - approves an increase of \$129,274 in the 2004 Budget of Marion Superior Court (State and Federal Grants Fund) to appropriate Indiana Criminal Justice Institute grant to Community Court

Ms. Patterson said that this is the third year for Community Court, and this proposal helps to pay the salaries of the court coordinator, a resource coordinator, and a community service work coordinator. She said that there is \$43,092 in the General Fund to match that.

Chairwoman Moriarty Adams asked for a reminder as to where the Community Court is located. Ms. Patterson said that it is located at 1525 South Shelby Street by the I-65 overpass. She said that the Environmental Court is also located in this Community Justice Building, and she encouraged Councillors to visit the site.

Councillor Talley moved, seconded by Councillor Oliver, to send Proposal No. 271, 2004 to the full Council with a "Do Pass" recommendation. The motion carried by a vote of 6-0.

Chairwoman Moriarty Adams stated that the next portion of the agenda is for information gathering only and is not a public hearing.

### **2004 BUDGET REVIEW - Department of Public Safety**

Robert Turner, director of DPS, stated that the Department includes the Indianapolis Police Department (IPD), Indianapolis Fire Department (IFD), Animal Control, Weights and Measures, and Emergency Management. He said that most of these divisions are self-explanatory except for the Weights and Measures division, which measures gas pumps, scales in supermarkets, etc. to make sure citizens are not being cheated on the quantity of products they are purchasing and consuming. He said that with regards to emergency situations and special events, the department cannot always know what

costs will be involved, yet they have to be prepared to ensure public safety. He said that jurisdiction does not matter when a threat to citizens in Marion County exists. He said that they will respond, even sometimes outside of Marion County, in order to protect the citizens of Marion County. He said that all police agencies need to work together, throwing away barriers, to address public safety problems.

Mr. Tande provided a handout which responds to a request for information from the Council. He said that the first ten pages of the handout (Exhibit C) will be used in the presentation he makes this evening. The remaining 56 pages are items requested in more detail. [Clerk's Note: These pages are on file with the original set of minutes from this meeting in the Council office.] He said that the first chart shows the budget by Character, and approximately 87% of the entire budget is for salaries. He referred to the chart on staffing trends, and stated that although an increase is shown, this includes the 84 new positions for the Arrestee Processing Center (APC). There is actually a net decrease in staffing.

Councillor Talley said that he does not see a decrease in the budget. Mr. Tande said that if the 84 new positions for the APC are netted out, there is not an increase overall. Councillor Talley asked if they are reducing the number of officers on the street. Mr. Tande said that they are not. He said they must maintain 1,232 officers for contract and grant compliance.

Mr. Tande referred to page 5 of Exhibit C, which shows that IPD is approximately 43% of the entire budget. He referred to page 7 which shows the changes in the department budget since the 2004 budget was adopted. He said that one of the main changes is due to a year-end agreement for IPD to pick up expenditures for the APC and also to pay the Marion County Sheriff's Department (MCSD) for dispatch services. He said originally, they were to receive a credit because they were picking up the APC budget, but the Council decided instead, that IPD would fund both the APC and dispatch. He said that grant appropriations have changed, and there have been some additional appropriations and budget reductions to try and maintain fund balances.

Chairwoman Moriarty Adams asked how the dispatch payments work. Mr. Tande said that the dispatch is operated by the Sheriff's Department, and the entire budget for dispatch is in the MCSD budget. Historically, IPD has been funding what was deemed as their portion per an MOU in 1995, which determined IPD's portion as approximately 76% of total costs. This was a pro-rated value based on what the budgets were prior to the dispatch services being combined. This amount is set as a budgeted amount annually and is budgeted as approximately \$4.1 million this year, which IPD pays to MCSD.

Councillor Talley asked if this number is a true reflection of IPD's portion. Mr. Tande said that there have been numerous discussions on this issue. He said that the fire central dispatch offers dispatch services for all the township fire departments. The department takes the expenditures they incur for fire dispatch, subtracts revenue, and

then the net cost is pro-rated based on calls. He said that he feels this is a fair way to charge the townships and they are happy with this formula. On the police side, 76% is not reflective of the number of dispatched calls. He said DPS has had some discussions with MCSD, and the tentative agreement for 2005 is less than 76%, but still probably more than IPD's fair share based on pro-rated dispatch. Barbara Lawrence, City Controller, stated that City and County budget makers have been meeting for the past couple of months, and this is an issue that is consistently discussed and needs to be addressed further in a holistic fashion. Chairwoman Moriarty Adams asked if, although it will not be at 76% in 2005, it still is not where it should be. Mr. Tande said that this is correct, and the tentative agreement is probably approximately 10% more than it should be on a pro-rated basis. This essentially keeps the budget fairly level for the County.

Mr. Tande referred to the grants chart and said that with so many new grants in emergency management and Homeland Security, they are seeing an increase in possible funding. He said that he is fairly confident that those awards noted as pending will actually come through. He said that this grant information is in more detail in the additional handout. Mr. Tande referred to the reductions by division on the next page to help preserve fund balance, and the final chart detailing the top ten non-salary expenditures in the budget.

Councillor Talley asked if Animal Control has their own budget, and therefore why uniforms would be paid for out of DPS. Mr. Tande said that this graph portrays all of the divisions of DPS rolled into one and includes Animal Control.

Councillor Talley asked about the overtime budget for IPD. Mr. Tande said that these numbers are found in detail on pages 9-11 of the handout. There is \$3,482,870 budgeted for IPD sworn officers, of which \$1,524,399 has been spent to date. He added that there are additional grants that can be applied for throughout the year to help fund overtime. Councillor Talley asked how this compares with 2003 overtime. Mr. Tande said that \$3,330,080 was budgeted in 2003, and \$4,107,872 was the amount actually spent, for a difference of approximately \$800,000. They were able to fund this difference through salary savings.

Chairwoman Moriarty Adams asked for the breakdown of grant dollars that go to pay overtime versus the fund balance dollars used to pay overtime. Mr. Tande said that he does not have that information with him but can provide it to the Committee.

Councillor McWhirter said that last year, IFD overtime was budgeted at \$683,000, with an actual amount spent of \$2 million. She asked what the cause of this discrepancy is, and if there is a lack of personnel available. Mr. Tande said that there are a number of factors. The contract requires them to call back officers when the employees on a shift fall below a certain number at each station. The 2004 contract also provides for an additional vacation day. Some of it has to do with the structure and the contract requiring back-fill of crews. Councillor McWhirter asked if it would be more cost-



effective to hire more firefighters instead of paying so much overtime. Mr. Turner said that they are also looking at how personnel is utilized to address this problem. Councillor McWhirter said that she would like to see this information, as it seems the overtime is quite excessive. She said that she understands the need to have a full crew on staff and shifts ending in the middle of a call, which would prompt more overtime, but it seems excessive. Mr. Turner said that they have added personnel to address overtime, but there are also unplanned special events that put a higher demand on overtime, such as the Pacers winning the playoff games. Councillor McWhirter said that she understands those types of situations arise, but it would be good to look at contract requirements to make sure personnel is sufficient. Mr. Turner said that they will look at relocating individuals to different areas to address the issue.

Councillor Talley asked if they are able to determine how much overtime is spent on individuals with the rank of lieutenant and above. Mr. Turner said that they do look at this, and while sometimes it cannot be controlled because of a particular skill needed, they are conscious not to use higher-ranking officials for overtime if it can be prevented. Councillor Talley asked if they could provide a report on the overtime spent on high-ranking officers. Mr. Tande said that they will.

Chairwoman Moriarty Adams said that she has been discussing overtime with various IPD officials and it was commented to her that there are 75 different reasons for overtime. She asked if this is correct. Mr. Tande said that the overtime request slips do require a reason code for overtime, and one of the largest used codes is for court appearances, when an officer needs to appear in court as a witness to a case at a time they are not typically on duty. He said that there are quite a few different codes, and he is not sure if there are 75. Chairwoman Moriarty Adams asked if the Committee can get a copy of these codes. Mr. Tande said he will be glad to provide one.

#### **2004 BUDGET REVIEW - Forensic Services Agency**

Mr. Turner stated that he has been appointed as interim director of the Forensic Services Agency (FSA), and in the short time he has been exposed to the agency, he has been very impressed with the work they do. They are excellent scientists and excellent public servants. He introduced Lieutenant Pete Mungovan, who is the assistant director of FSA at this time. Lt. Mungovan introduced Ron Blackhawk, quality assurance manager; and Larry Schultz, financial officer. Lt. Mungovan said that Mr. Schultz will make the budget review presentation, as he is the most familiar with the numbers.

Mr. Schultz stated that FSA is receiving an increasing number of evidence submissions in the areas of biology, latent prints, and firearms. He said that they are also being asked consistently to reduce the turnaround time for these requests. He said that there is a rejuvenation of requests for gunshot residue, which was curtailed four years ago, and now with new standards, new equipment is needed. The FSA serves 25 different agencies, including excluded cities. The total budget is \$3.6 million from the County

General Fund, which represents 1.9% of the overall County budget. The agency has 52.4 full time equivalent (FTE) positions. He said that 85% of the budget is tied up in Character 01, because their employees are highly educated, highly trained, and must maintain certain levels of education. He said that because of budget restrictions, they are finding that employees often leave for better-paying jobs. Several years ago, the FSA made the decision to implement a training program in the forensic science disciplines. That allows them to recruit individuals out of college who need additional experience. Depending on the discipline, training can take anywhere from six months to three years. After investing all that time, money, and energy in training these individuals, the trainees receive certification and then leave for better-paying jobs. He said that FSA paid \$44,000 in overtime in 2003, and at the rate they are going this year, they will pay approximately \$66,000 for 2004. He added that the compensatory (comp) time balance was 3,900 hours in January owed to employees. As of this morning, the comp time balance is 6,000 hours. He said that in September 2003, after a year and a half of looking for a qualified firearms expert, they began training an individual. Last week this individual gave their notice, because with the training, they were able to find a better-paying job. Total cost of training that individual was \$57,900 in the trainee's salary and the expense of the person pulled off of normal caseload work to train her. There are currently seven trainees in the lab in five different disciplines, but they have had three people leave this year, and are experiencing a 16% annual turnover rate. While it looks as if the Character 01 budget is being reduced, all the agency can afford to hire are trainees, which in the long run costs even more money and increases the backlog of casework. The current backlog in latent prints is 106 cases.

Councillor Talley asked if people are leaving because of the pay. Mr. Schultz said that all of the people who have left were in the training program, and are being offered better-paying jobs. He said that after getting the training, they are now qualified for better jobs. Those employees with longevity are not the ones leaving. Mr. Turner added that he believes this agency is underfunded. They have actually brought in individuals for training in a program where they are receiving some revenues, but this takes away personnel from the caseload in order to train. Forensic research is a critical service for public safety, and taking technicians away from caseload to train causes a delay in service to public safety agencies. He said that the overriding issue in why people are leaving does seem to be money.

Lt. Mungovan said that money is always an underlying issue. He said that they began the training program because they were having problems attracting qualified individuals at the pay they were offering. Yet after spending all the money and manpower on training, these individuals then go to Illinois, Michigan, or Ohio, where they pay their forensic experts more money.

Councillor Talley said that the training therefore does not benefit the agency if they are leaving after the money is invested. He asked how many openings there are right now. Lt. Mungovan said that there are four or five open positions, including the Director.

Councillor McWhirter asked if the training program requires that the trainees commit to a certain number of years working with the agency after the training. Mr. Schultz said that City Legal has advised that it would not be enforceable to make an individual stay in a paid position. Councillor McWhirter said that it may not be possible to make them stay, but there should be no reason why the agency cannot require that if they leave within a certain number of years, they must pay the agency back for the training.

Councillor Oliver said that the agency needs to be more aggressive in finding out exactly why these individuals are leaving. He said if the salary schedule is not competitive, then they need to adjust it. He asked if they conduct interviews of these people who are leaving. Mr. Turner said that this happens in every public safety agency, and although part of it is competitive salaries, some may be due to the fact that after the training, the individual realizes they are not cut out for this type of work. He said that he would like to see a Director identified before addressing the salary schedule. Councillor Oliver asked if these individuals are using these jobs as a stepping stone. Mr. Turner said that this is probably the case, but it would be smart to require reimbursement of the training costs invested if they leave, and he will look into that.

Mr. Schultz said that up until six years ago, the agency did not offer training, and many such agencies do not offer training because of the money and time involved. He said that they have noticed an increase in resumes and applications because of the training aspect.

[Clerk's Note: Councillor McWhirter left at 6:15 p.m.]

Councillor Franklin asked if the agency receives contributions from other agencies. Mr. Schultz said that their agency is a County-wide service and the budget is paid for through the County General Fund, with a couple of positions being paid through a grant from the Prosecutors Office and the Law Enforcement Fund. Councillor Franklin asked if they charge user fees to agencies that use their services. Mr. Schultz said they do not. Councillor Franklin asked if the agency receives federal grants. Mr. Schultz said that the office manager is undergoing training to serve as a grant manager, so that they can search out more grant possibilities. He said that they are currently seeking a DNA grant. Councillor Franklin asked if a police officer can be trained to do the job. Mr. Schultz said that this is definitely possible and a police officer could easily go through the accreditation process. Mr. Turner said that Lt. Mungoven is one such police officer.

Councillor Franklin asked if the agency has seen an increase of interest in this field because of the Crime Scene Investigation (CSI) television series. Mr. Schultz said that they have found there is definitely more interest, and they receive more resumes from people with no education background in forensics, such as truck drivers and drugstore clerks. He said that there also seems to be more interest in the Prosecutor's Office and detective work because of CSI and other popular public safety television shows, such as Law & Order.

Councillor Nytes said that two years ago, the City conducted a salary study. She asked if this agency was included in that study. Mr. Turner said that Forensic Services is a County agency, not a City agency. Councillor Nytes asked if the agency's positions are then included in the County salary study which is being conducted now. Mr. Mungoven said that they are included in that study, and he has passed that information along to Human Resources. He said that because this agency's positions have such unique requirements and qualifications, they do not always fit easily into a salary study. Councillor Nytes said that she is confident the firm conducting the study can help in that area, as it is the same firm the City used, and they are highly qualified. She asked if County Human Resources helps the agency with hiring and screening applications. Mr. Schultz said that they do not do much screening for them, because of the agency's education and skill requirements. The agency belongs to a forensic sciences association and has a direct link to 154 labs, as well as conferences and seminars, which is where they advertise and publish job openings. He said that most applicants contact the agency directly, and they screen them and choose, and then Human Resources gets involved when they are ready to hire. Mr. Turner said that they are using both City and County Human Resources to help in the search for a Director.

Councillor Nytes asked if the excluded cities do not pay any fees for the agency's services. Mr. Schultz said that they do not. Councillor Nytes said that Lawrence Public Safety has its own budget, which is different from the County budget, and she does not know why they would then not pay for services.

Councillor Talley asked why sub-object 312 in Character 03 shows a 105% increase in conferences and training. Mr. Schultz said that this is a Special Revenue Fund created by ordinance in 2001, which is what allows the agency to receive funds from foreign governments, such as Saudi Arabia, to train their students. He said that the last contract paid the agency \$391,000, and it cost approximately \$311,000 in training costs, with \$79,000 to \$80,000 going into fund balance for the agency. He said that the agency does not really like the foreign training program and feels it is very time-consuming. The former management felt it was a way to help fund the lab without increasing tax dollars. He said that \$108,000 has been spent out of this fund year-to-date, and the only money spent was for DNA retesting, which was transferred to sub-object 390. Councillor Talley asked if the agency is charging these foreign governments an appropriate amount. Mr. Schultz said that the Forensic Board recommended that these rates increase, but no new contracts have been signed since that recommendation. Mr. Turner said that he also feels it is a waste of time and effort, and he does not anticipate any new contracts being entered into.

Councillor Plowman asked if the agency has determined what the differences in salaries are and what types of jobs are paying better. Mr. Schultz said that it depends on the type of technician. He said that chemistry majors could go to Eli Lilly and Company or other pharmaceutical companies. Those in forensic disciplines will search out other governmental crime labs or private crime labs. He said that when the agency lost an

experienced firearms examiner, they tried to hire another with the available budget, and there was not even a slight interest in the position at that salary. He said that he does not know exactly what other labs are offering, but they are obviously offering more than FSA can afford. Councillor Plowman asked if the agency would not then offer more money. Mr. Schultz said that because of budget restraints, they cannot make such offers.

Councillor Plowman said that backlogs in caseload are not new, and he asked if there is any idea how many employees would be needed to first reduce the backlog and then keep it up-to-date. Mr. Turner said that it will be the new director's mission to look at the staffing. He said that the training for foreign students took people away from the caseload to train, so by eliminating that aspect, that in itself may help the situation a bit. Councillor Plowman asked if the agency has asked for more money. Mr. Turner said that they have asked for more funding, and actually received more DNA funding, but there is still a backlog. They need to look at management of current personnel first before requesting funding for additional personnel.

Councillor Nytes asked if other trainees are enrolled in programs now, besides the foreign student program. Mr. Schultz said the agency currently has 7 trainees outside of the foreign student program. Councillor Nytes asked if these trainees are counted in the FTE number. Mr. Schultz said that they are. Councillor Nytes asked if the trainees pay any money toward their training. Mr. Schultz said that they do not.

Councillor Talley asked if the agency uses the City purchasing department. Mr. Schultz said that they have used City purchasing, but because of the nature of some of their supply needs, do not always use them. Councillor Talley asked if there are any outside contracts. Mr. Schultz said that there are only two lease vehicle contracts, which were negotiated through City purchasing. Councillor Talley asked if the agency uses Corporation Counsel for their legal work. Mr. Schultz said that they do.

#### **2004 BUDGET REVIEW - Juvenile Court**

Ms. Patterson introduced Mark Renner, Court Administrator, Court Services Agency. Chairwoman Moriarty Adams thanked Mr. Renner for providing responses to the questions asked at the last budget review hearing. Ms. Patterson provided a handout (Exhibit D) and supporting documentation. [Clerk's Note: The supporting documentation is on file in the Council office with the original minutes of this meeting.] Mr. Renner said that they have tried to put the information into different formats to present the budget by division and understand the breakdown of how each division of the court is budgeted. Ms. Patterson said that the 2003 Actual spreadsheet beginning on page 3 of Exhibit D will show all divisions of the court and all funds represented. She said that the last four pages of the handout show the contract information, which was already provided at the last meeting, but did not include the last three items previously. Ms. Patterson said that the Administrative Division is used for expenses like the phones, rent, juror pay, and technology support charges, and each of these are allocated out to

each individual court or agency. She said that the judges receive a monthly budget report that details their direct budget, as well as the allocated budget in the Administrative Division. She said that these reports are color-coded, so that if a budget is sent on green paper, the budget is okay. If it is sent on yellow paper, the budget is in a cautionary state, and there needs to be some discussion. If the budget is sent on red paper, this is a warning that the agency head or judge needs to contact Ms. Patterson immediately to address problems with their budget. She said that the supporting documentation contains information about grants. The largest portion of grants are in Juvenile Court, where diversionary programs are paid for.

Councillor Plowman asked if the money owed to the State for incarceration of juveniles is included in these reports. Ms. Patterson said that those funds are in the Auditor's budget. Councillor Plowman asked how much those bills are. Dan Jones, Deputy Auditor, said that the bills are approximately \$16.5 million a year, and the County is approximately \$50 million in arrears. Councillor Plowman asked how many years in arrears this represents. Mr. Jones said that this is the fourth year. Councillor Plowman asked if there has been any thought about doing something locally to divert some of these funds and avoid some of these bills. Ms. Patterson said that they have talked to legislators, as this is not the only County facing the problem, even though it seems to be the most burdensome on Marion County. Councillor Plowman said that he has spoken to eight State legislators who say that they are not concerned with Marion County's juvenile bill and are not going to address the issue. He asked if there have been discussions about building a local facility to help cut future costs. Mr. Jones said that they have discussed it for several years, but it may be even more detrimental, because the County may then end up having to pay for both the local facility and Department of Correction (DOC) bills. The bills from the State are going up 20% every year regardless of how many commitments the County has. He said that the State Board of Accounts did an audit over the last two years, and the DOC is now re-calculating how they do their bills, and the last bill received actually had a 25% decrease.

Chairwoman Moriarty Adams asked if there has been any type of analysis as to whether or not the County could do it cheaper than the State, and therefore send no juveniles to the State program and handle them all locally. Mr. Jones said that he does not think they could ever get to the point where they were not sending any juveniles to the State, as there are some charges where they have to be sent to the State. However, the per diem for juveniles is always twice as expensive as for adults due to factors such as education and more incidents of mental health. He said the biggest problem with a local facility is finding a location to build it, as no one wants such a facility in their neighborhood. Ms. Patterson said that the State is also faced with certain fixed costs for their institutions, and spreading those costs over the remaining juveniles housed would cause other counties' bills to rise dramatically.

[Clerk's Note: Councillor Plowman left at 7:05 p.m.]

Councillor Nytes asked if the total costs outlined on the spreadsheet for all aspects of the Juvenile Court at approximately \$13 million correlates to the pages in the supplemental information. Ms. Patterson referred to page four of the spreadsheet on note number four and said that the Juvenile Probation Fund and the Alternative School Fund are included in other areas of the Court Services Agency budget. In order to show true costs, she placed these funds with the Juvenile Court costs in the spreadsheet. Other than that, the costs roughly equate to the same number. Councillor Nytes asked if the spreadsheets provided in Exhibit D therefore represent a truer, complete picture of Juvenile Court costs. Ms. Patterson said that this is correct.

Councillor Nytes asked if the Juvenile Court division was able to return any funds to the County budget last year. Ms. Patterson said that the Marion Superior Court in total returned less than \$20,000. She said that very little of this contribution was from the Juvenile division. Councillor Nytes said that the spreadsheet shows that the Juvenile division represents 37% of the total Court budget. Ms. Patterson said that this is correct, and this includes four courtrooms, with four judicial officers on the bench, and should not be thought of as a single judge in a single court. Councillor Nytes asked if in addition to this, the State also picks up expenses for the judge's and magistrates' salaries. Ms. Patterson said that the State pays the entire judge's salary, and covers approximately 40% of the magistrates' salaries. Councillor Nytes asked if this represents salary and benefits. Ms. Patterson replied that it does.

Councillor Talley asked if there has been any cost analysis about using more work release programs instead of sending so many juveniles to DOC. Ms. Patterson said that they have never done such a study. She said that the State has certain fixed costs for their institutions, and if Marion County sends less people, then other counties who send children will pay a higher per capita cost. She said that there is a delicate balance as to which county bears the cost. She said that fewer juveniles were sent to the DOC last year, and the number being sent has been going down somewhat the last couple of years.

Councillor Talley said that he would like to see this issue brought before the Criminal Justice Planning Council to review. Chairwoman Moriarty Adams said that she would be glad to present this as a concern to the presiding judge.

Councillor Oliver asked if any juveniles are sent to the DOC for status offenses. Mr. Renner asked what Councillor Oliver's definition is of a status offense. Councillor Oliver said that it would be an offense such as truancy or curfew violation. Mr. Renner said that he does not believe Judge James Payne, Juvenile Court judge, would send a juvenile to DOC for a simple status offense or has ever done so. Councillor Oliver asked what happens to a child who is on probation for such a status offense and continues to repeat the behavior. He asked what alternative diversion programs are available to correct that behavior. Ms. Patterson said that there are several diversionary programs, such as restorative justice, where the victims are brought in so that the offender can realize the impact of his or her crime. There are personal empowerment

towards acquiring life skills (PETALS) programs for young girls offered by Girls, Inc. There is a juvenile drug treatment court program, and many other juvenile diversionary programs. She said that Judge Payne would not send juveniles to DOC until the third or fourth offense, as they try to deal with juveniles locally if at all possible before sending them to DOC. Mr. Renner added that the judge is cognizant of minor offenses and the DOC situation. It has been his philosophy to reserve that punishment for juveniles that the County cannot reach through other programs or for those crimes so horrendous that rehabilitation is unlikely.

Councillor Oliver said that he has great concerns about the representation of juveniles in the courts. He said that he has been told by the Public Defender that many times the juveniles do not even see a public defender until their actual first appearance before the judge. Mr. Renner said that these allegations came out of the American Bar Association (ABA) study, and Judge Payne disagrees with these findings. They are awaiting a full report to completely understand these allegations. He said that he does know Chief Public Defender David Cook is seeking additional resources to hire more public defenders. Councillor Oliver said that while Judge Payne and Mr. Cook squabble over interpretation of findings, the juveniles are not being protected and are not afforded proper representation. Mr. Renner said that he vehemently disagrees, and the Juvenile Court does not deny any juvenile due process and is committed to juvenile rights. Councillor Oliver said that this was testimony presented to him by the Mr. Cook himself that the Public Defender Agency is unable to represent juveniles properly, and in many cases, their rights are waived.

Councillor Nytes said that in looking for extra funds, she sees two line items that may be used. She said that there is \$273,000 budgeted for overtime in the Juvenile Court, and only \$2,500 has been expended to date. Ms. Patterson said that many employees are taking comp time in lieu of overtime. However, when those employees have accumulated 240 hours of comp time, this comp time has to be paid out. There is often a large turnover in youth managers, and this comp time payout is paid out of the overtime funds. Councillor Nytes said that she would like to see these positions examined in the salary study, so that some of this money could be used to adjust salaries, to avoid high turnovers. She said this is one of the reasons a recent proposal was introduced to utilize the Internal Audit Agency for County agencies. She said that the use of overtime/comp time versus salary increases needs to be examined more closely.

Councillor Nytes said that the telephone line item also seems to have a low actual number. Ms. Patterson said that those costs are paid on a two- or three-month basis, and may not be a true reflection of costs to date. Councillor Nytes asked if there would be any extra money anywhere for more public defenders. Ms. Patterson said that she cannot see it. She said that there are some reimbursements for the school lunch program, but costs in that area are rising, so it is unlikely extra funds will be available.



Councillor Nytes asked if the Courts work closely with Information Services Agency (ISA) to make sure their information technology (IT) contracts reflect the best pricing available. Ms. Patterson said that they do work closely with ISA, and the Juvenile Court just came under ISA this year. With the Quest system, there may be a change in charges. Councillor Nytes asked if the Juvenile Court will be moving to the JTAC software with the other courts. Mr. Renner said that it will not take place in the first phase, but may a few years down the road.

Councillor Talley asked if a cap can be put on comp time. Ms. Patterson said that federal legislation caps it at 240 hours, but that anything above that has to be paid out. Councillor Talley asked if the County can develop a policy more restrictive than the federal policy. Terry Nelson, Deputy Auditor, said that he is not sure the County would want to do that, but he could look into it. He said that they would still be required to pay out anything over the capped comp time allowance, so if it was capped at 100 hours, they would be paying even more money. Councillor Talley asked if staff could be required to take time off instead of paying out comp time excess. Mr. Nelson said if the County had sufficient staff, this could probably be done. Councillor Talley asked if staff could be required to take comp time at the agency's preferred timing. Mr. Renner said that the Courts are aggressive in monitoring comp time and they encourage managers to maintain a balance in this area.

Councillor Talley asked if the Courts are paying a flat fee for phones. Ms. Patterson said that she looks at these costs routinely and audits phone needs on a regular basis. The Courts do not over-purchase phone lines and only pay for what they actually use and need.

Chairwoman Moriarty Adams said that she understands it is difficult to be restrictive on overtime, but asked if some employees have to have overtime instead of comp time. Ms. Patterson said that court employees can opt for either overtime or comp time. Chairwoman Moriarty Adams asked if they can choose either regardless of their salary category. Ms. Patterson said that this is correct, and they are classified as non-exempt.

Councillor Nytes said that while overtime may not seem cost effective; in many cases, paying time and a half would be less than what it would cost to hire more employees with benefit and training costs. She said that hopefully the salary study and some additional audits can help to get a better understanding of this issue.

Chairwoman Moriarty Adams thanked all participants for their presentations. There being no further business, and upon motion duly made, the meeting was adjourned at 7:31 p.m.

Respectfully Submitted,

MMA/ag

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Mary Moriarty Adams, Chairwoman